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NOTE BY THE SECRETARY-GENERAL

The Secretary-General has the honour to transmit to the Security Council, pursuant to paragraph 3 of Security Council resolution 699 (1991), the attached fourth progress report on the implementation of the provisions of section C of resolution 687 (1991) relating to Iraq's weapons of mass destruction.

Annex

Fourth report of the Executive Chairman of the Special Commission established by the Secretary-General pursuant to paragraph 9 (b) (i) of Security Council resolution 687 (1991), on the activities of the Special Commission

INTRODUCTION

1. The present report is the fourth on the activities of the Special Commission established by the Secretary-General pursuant to paragraph 9 (b) (i) of Security Council resolution 687 (1991), submitted to the Security Council by the Executive Chairman of the Commission. It is the third such report provided in accordance with paragraph 3 of Security Council resolution 699 (1991). It covers the period from 10 June to 14 December 1992, and is further to the reports contained in documents S/23165, S/23268 and S/24108 and Corr.1.

I. ORGANIZATIONAL AND ADMINISTRATIVE ISSUES

2. Since the last report, there have been two changes in the composition of the Special Commission. Mr. Michael Newlin resigned as Deputy Executive Chairman on 31 October 1992, for family reasons. Mr. Peter von Butler resigned as the German representative on the Commission, following a new professional assignment. Dr. Pierce S. Corden and Dr. Helmut Frick have been appointed respectively as their replacements. Mr. Newlin's experience and exceptional diplomatic skills were indispensable during a difficult phase of the Commission's work and contributed significantly to progress registered. Mr. von Butler's expert advice and substantial contributions will be missed. The Executive Chairman looks forward to benefiting from the talents and experience that Dr. Corden and Dr. Frick will bring to the Commission.

3. The organizational structure remains that described in the third report. Currently there are 31 staff in the Office of the Executive Chairman; 25 in the Bahrain Field Office; and 74 in the Baghdad Field Office, including the members of the chemical weapons destruction group and helicopter crews.

4. There is still no agreement on the sale of Iraqi oil to finance United Nations operations resulting from the cease-fire resolution. The financing of the Special Commission's work thus remains a matter of concern. Current expenses have been met from contributions from Member States and advances by the United Nations so that operations can be continued. On 2 October 1992, the Security Council adopted resolution 778 (1992) which enables the use of frozen Iraqi assets to pay for the expenditures foreseen in resolutions 687 (1991) and 706 (1991), including the costs of the Commission's operations, and provides for these assets to be paid into the escrow account established

pursuant to resolution 706 (1991). It remains to be seen whether this will provide a solution to the financing problems of the activities undertaken pursuant to section C of Security Council resolution 687 (1991). On 10 December 1992, the first contribution to the escrow account, specifically earmarked for the Commission, was received from Saudi Arabia in the amount of \$30 million. Given the future commitments for operations under section C of resolution 687 (1991) which the Commission will be required to fund during the course of 1993, further cash contributions by Governments are foreseen to be required.

5. Governments have continued to support the operation of the Special Commission through the contribution of personnel, services and equipment. Resolution 687 (1991) foresaw government support in the form of both voluntary contributions and advances, pending a long-term solution to the financing issue. Supporting Governments are now being asked, in accordance with paragraph 5 (b) of resolution 778 (1992), to inform the Commission of the cost of those contributions that they consider advances. A statement of the Commission's operating costs, together with further information on organizational and administrative issues, can be found in appendix I to the present report.

II. STATUS, PRIVILEGES AND IMMUNITIES

6. The status, privileges and immunities of the Special Commission, the International Atomic Energy Agency (IAEA) and the United Nations specialized agencies involved in the implementation of Security Council resolution 687 (1991) continue to be regulated by the relevant agreements and Council resolutions and decisions listed in the previous reports to the Council.

7. The Special Commission and IAEA on the one hand, and the Government of Bahrain on the other, have agreed to extend for a further six months, until 31 March 1993, the exchange of letters relating to the facilities, privileges and immunities of the Special Commission and IAEA in Bahrain.

8. In Iraq, there have been continuing problems in the implementation of the Special Commission's status, privileges and immunities. These have related principally to the right of the Commission to operate aircraft anywhere within Iraq, the most serious instance relating to the refusal of the Iraqi authorities to accept that an appropriately notified aerial surveillance flight should take place (see para. 11 (f) below). That incident was notified to the Security Council on 10 December 1992. A disturbing new development has been a sharp deterioration of the security of Commission personnel and property in Iraq. This was first evident during the stand-off that developed over the issue of access to the Ministry of Agriculture (see para. 11 (d) below). The recent inspection teams in Iraq have also experienced security problems. Full details are found in appendix II to the present report.

III. DEVELOPMENTS

A. Political developments: the attitude of Iraq

9. The Special Commission and IAEA have continued to conduct vigorous inspections of sites declared by Iraq or designated by the Commission. Iraq has, in general, continued its cooperation at the field level, with the notable exception of the issue of access to the Ministry of Agriculture. At the time of writing, furthermore, Iraq appears to have ceased to follow the more cooperative approach which it had shown during UNSCOM 45 to the provision of information to an inspection team during seminars on specific outstanding issues conducted in Baghdad with Iraqi officials. Also, as noted in the previous paragraph, Iraq has created a further problem by blocking an aerial surveillance mission by a Commission helicopter over a designated site situated on the outskirts of Baghdad, thus clearly violating Iraq's obligations and the Commission's rights. And, while Iraq has handed over what it terms its full, final and comprehensive reports on its weapons programmes and its declarations in relation to future compliance monitoring, those documents do not provide the information required by the Security Council and needed by the Commission for it to carry out its mandate effectively.

10. On 23 and 24 November 1992, at the request of Iraq, the Security Council held a meeting to discuss the implementation of its resolutions concerning the situation in Iraq. The Iraqi Deputy Prime Minister, Mr. Tariq Aziz, addressed the Council as he had in March 1992, and repeated Iraqi complaints against the Council, the Special Commission and IAEA. He also presented what Iraq referred to as a "factual report", which is a selective resumé of events, subsequently circulated in the annex to document S/24829. It ignores mention of the areas in which Iraq is failing to meet its obligations.

11. The main problems are as follows:

- (a) Iraq's position on the plans for ongoing monitoring and verification, approved under Security Council resolution 715 (1991), remains as stated in the letter of 19 November 1991 to the President of the Council from the Foreign Minister of Iraq. This was elaborated upon in the statement of the Iraqi Deputy Prime Minister before the Council on 12 March 1992. Essentially, Iraq's position is that the plans approved by the Council are unlawful and a solution that addresses the substance of the plans but which is acceptable to Iraq should be negotiated between Iraq, the Council, the Special Commission and IAEA. In a letter dated 26 May 1992 (subsequently circulated as document S/24002) from the then Iraqi Minister of State for Foreign Affairs to the Executive Chairman of the Special Commission, Iraq stated that it:

"demands that agreement be reached between it, UNSCOM and IAEA, under the auspices of the Security Council, on practical guarantees to ensure that the measures and methods of ongoing monitoring will not be of such a nature as to infringe upon Iraq's sovereignty, threaten its internal security, lead to interference in its internal

affairs or deny it the prospects of scientific, technological and industrial progress both in the civilian fields and in military fields not prohibited under resolution 687 (1991).

"Iraq's basic position on all these issues is also linked to the matter of the resolutions imposing the embargo and sanctions on Iraq, which have remained unchanged by the Security Council despite all the obligations fulfilled by Iraq in accordance with the Council's resolutions.

"We have not ... received from the Special Commission anything which would indicate an understanding of Iraq's just demands ...".

This position was again confirmed in a letter dated 28 October 1992 from the Iraqi Foreign Minister to the Secretary-General (S/24726, annex), which stated that:

"It is ... essential for the Council to conduct a radical review, on the basis of justice and fairness, of the terms and provisions of these two resolutions."

and yet again in the statements to the Council of Mr. Aziz on 23 November (S/PV.3139, resumption 1) and 24 November 1992 (S/PV.3139, resumption 2), in which he said:

"[T]here is a need for all those measures and the provisions of the no longer necessary Security Council's resolutions to be drastically reviewed." (*ibid.*, resumption 1, p. 98)

This position is maintained despite assurances by the Commission that, if Iraq cooperated, its legitimate concerns would be met and the Commission's activities would be carried out in a manner which is not unduly intrusive;

- (b) Iraq's full, final and complete disclosures of its proscribed weapons programmes, due under Council resolution 707 (1991), and its initial declarations, due under the plans for ongoing monitoring and verification, contain major shortcomings which will need to be rectified if they are to form the basis for a definite material balance of Iraq's past weapons of mass destruction programmes and for effective monitoring and verification of compliance. The information provided is frequently tailored to what the Iraqi authorities consider the Commission to know already, rather than constituting a frank and open disclosure of all the true facts.

Despite this, the Commission has accepted these declarations as a basis for dialogue with the Iraqi authorities that it is hoped would establish full, final and complete disclosures. However, on 8 December 1992, General Amer, the principal interlocutor on non-nuclear issues, informed the Chief Inspector of UNSCOM 47 that the Commission would "get nothing

more, nothing" in the way of information on Iraq's weapons of mass destruction programmes. An account of that interview was communicated to the Security Council by the Deputy Executive Chairman of the Special Commission. That communication was subsequently circulated in document S/24985. A response by Iraq was issued in document S/24964;

- (c) Iraq has failed to substantiate information provided to the Special Commission on its prohibited programmes. The Commission has repeatedly urged Iraq to provide access to authentic documents that would substantiate the Iraqi data. In the absence of a positive response from the Iraqi Government, the Commission has had to conduct intrusive inspections, including document searches.

Iraq has claimed that it destroyed all documents related to prohibited activities after the adoption of resolution 687 (1991) and that no records have been kept of the documents destroyed. The Commission has difficulties in accepting this claim. It has welcomed those exceptional occasions where Iraq has produced documents to support data it was providing. This happened, for example, during UNSCOM 45. It is necessary for Iraq to follow this precedent in all areas of proscribed weapons, materials and activities, thus meeting a long-standing requirement for credible and verifiable data on all its prohibited programmes.

Iraq has also informed the Special Commission that the Government has issued an order to protect certain types of documents from inspection by the Commission, including their removal from the sites under inspection and other concealment measures. Inspection teams have visited a number of sites which have clearly been "sanitized". Although Iraq claims that this has involved only documents unrelated to resolution 687 (1991), the Commission has had no opportunity to confirm this.

Within the context of the declarations it has submitted, Iraq has formally informed the Executive Chairman, in the aforementioned 26 May 1992 letter (S/24002, annex), that "Iraq has declined to divulge information indicating the names of foreign companies from which it has purchased ... equipment and materials ... on moral grounds", adding that it would not abandon this position. The letter also stated that "disclosure of the names of companies and individuals will expose ... them to the dangers of liquidation and revenge attacks at the hands of hostile intelligence services ... as has happened in cases such as that of Gerald Bull." Such a position is clearly unacceptable. Although the Commission has some evidence of procurement through elaborate third-party arrangements, it is far from complete. Accurate and full information on Iraq's foreign procurement networks and suppliers is essential if the Commission and IAEA are to be able to establish a complete, coherent and credible picture of Iraq's programmes for weapons of mass destruction as they existed in January 1991 and to decide in a realistic manner whether all proscribed weapons and capabilities have been accounted for. Such information is also necessary to devise the workable and realistic

mechanism for import control called for in paragraph 7 of resolution 715 (1991). This is yet another example of where failure to cooperate could lead to much more intrusive and wide-ranging procedures than would otherwise be the case;

- (d) A major political problem developed on 5 July 1992 when Iraq refused an inspection team access to the Ministry of Agriculture. The Special Commission had reliable information from two sources that the building contained archives related to proscribed activities. Those archives were clearly of relevance to the Commission's work, and their retention by Iraq was also clearly prohibited. Iraq, in any event, had no justifiable basis on which to refuse access.

Iraq, however, claimed that the Commission had no right to enter the building as it had nothing of relevance to weapons systems proscribed under resolution 687 (1991) and that to allow access would be to undermine Iraq's sovereignty and national security. The Executive Chairman sent the Director of the Bahrain Field Office to Baghdad to try to resolve the situation quietly through the agreement of mutually acceptable modalities of an inspection. Iraq failed to respond to this and so the Chairman visited Baghdad from 17 to 19 July. At the end of the visit, the Deputy Prime Minister offered an inspection by persons from the neutral members of the Council, independently of the Commission. That idea, on the advice of the Chairman, was rejected by the Security Council.

After a delay of over three weeks, and following further discussions in New York between the Executive Chairman and the Permanent Representative of Iraq to the United Nations on modalities, access to the Ministry was obtained.

At the request of the Iraqi authorities, the Executive Chairman visited Iraq during the inspection and met Iraqi officials to discuss future relations. During those talks, Mr. Tariq Aziz promised a new chapter of cooperation and openness in relations between the Commission and Iraq.

Since that incident, the Iraqi Minister of Information has on several occasions sought to establish that Iraqi Ministry buildings are off limits to the Commission. Clearly, that is not the case: the Commission has already inspected two Ministry buildings and the mandate, as laid down in resolution 687 (1991), does not provide for any sanctuaries. Nor may Iraq, or the Commission for that matter, change the terms of the mandate. Only the Security Council has the power to do so. While the Commission refuses to lend any credibility to the statements of the Iraqi Information Minister in this regard, and while it will conduct inspections at such facilities as and when there is an operational requirement to do so, such statements are not helpful and do nothing to promote confidence within the Commission that Iraq is indeed willing to cooperate fully with the Commission in the timely fulfilment of its

mandate. In a subsequent inspection, Iraq permitted access to a site for which it had originally claimed sanctuary status. This, it is hoped, should finally dispose of the issue;

- (e) A further problem was encountered at the outset of the forty-seventh inspection (UNSCOM 47). An IAEA team, accompanied by Commission inspectors, sought to conduct a document search at a site designated by the Commission. Upon the arrival of the team, persons left the buildings carrying documents, despite the protests of the Chief Inspector. While the Iraqi counterparts promised to return the documents, and indeed did produce some, the inspectors were unable to verify that these were the documents taken from the building. This represents a further clear violation of the Commission's and IAEA's rights of unimpeded and immediate access to documents and to remove or copy them. Protests have been lodged with the Iraqi Foreign Minister by the Commission and with the Permanent Representative of Iraq at Vienna by IAEA. So far the Commission has received no response;
- (f) Parallel with this problem is the ongoing problem referred to in paragraph 9 above, namely that Iraq is blocking the conduct of an aerial inspection by helicopter of a site duly designated by the Commission. General Amer has told the Commission's Field Office in Baghdad that its helicopters will never be allowed to overfly Baghdad on surveillance missions "by one metre". Security Council resolution 707 (1991) explicitly sanctions the use by the Commission of fixed- or rotary-wing aerial surveillance over all Iraqi territory. No exceptions are made for Baghdad. The position taken by General Amer not to permit the surveillance flight therefore constitutes a violation of the Commission's rights and Iraq's obligations. A formal complaint has been lodged with the Foreign Minister of Iraq and the Commission expects Iraq to comply forthwith with its obligations to cooperate with the Commission in the fulfilment of its mandate. A reply is still awaited;
- (g) Another worrying political development has been the increase in harassment of Commission personnel and damage to Commission property in Iraq. This occurred at the time of the Ministry of Agriculture incident and was evidently part of a centrally organized government campaign to intimidate and humiliate United Nations personnel in general, and Commission personnel in particular. However, while the situation improved for a brief period, the problem has not disappeared. The situation would seem to deteriorate again each time there is a rise in tension between the Commission and Iraq. Statements by the President of Iraq recently referred to inspection teams as "stray dogs" and "wolves tearing at the flesh of the Iraqi nation". This could only serve to inflame the situation and was reported to the Security Council, whereupon the President of the Council issued a statement to the press on 15 October underlining the Council's particular concern for the safety of inspectors. Similar remarks were, however, echoed by the Deputy Prime Minister of Iraq on 22 October 1992. The Foreign Minister of Iraq picked up the same theme in his letter of 28 October 1992 to the

Secretary-General (S/24726, annex), in which he alleged that "most of the inspection teams ... behaved in a hostile manner and proceeded to engage in effrontery, provocation and the contrivance of problems". In his statement to the Council on 24 November 1992 (S/FV.3139, resumption 2), the Deputy Prime Minister said some of the teams went to Baghdad "to create problems" and behaved "in a provocative manner". The inspections are, without exception, carried out in strict adherence to the relevant Security Council resolutions and with due regard to Iraq's legitimate concerns. The Commission rejects these allegations, which give rise to an unacceptable situation. The Iraqi press currently refers to the inspectors as "rabid dogs". Iraq has an unambiguous obligation to ensure the safety and security of Commission personnel and property. It has been reminded of this obligation frequently by both the Commission and the Council;

- (h) Other problems continue with both the operation of Commission aircraft, in the form of landing rights and flight paths, and with the provision by Iraq of on-site accommodation for inspection teams. Iraq still refuses to allow the use of Rasheed Airbase for the C-160 flights into Iraq. It also sought, upon the imposition by the coalition of the no-fly zone south of the 32nd parallel, to deny Commission aircraft the right to cross that parallel over Iraqi airspace. The Commission made it clear that such a position would not be tolerated and Iraq withdrew its objections. Iraq refused to allow the 14th ballistic missiles team (UNSCOM 45) to set up a base camp at the Rasheed Airbase. Difficulties remain with the unloading of aircraft at Habbaniyah Airbase.

In addition, Iraq continues to protest the use by the Commission of its own high-altitude surveillance aircraft and helicopters. In the letter of 28 October 1992 of the Iraqi Foreign Minister to the Secretary-General referred to above, Mr. Al-Sahaf said that "the use of such aircraft ... was not in fact designed to meet the declared objectives of inspection and technical observation ... The time has come for the Security Council to review these unjust decisions and measures ... and to ensure that each measure has a specific time-frame ... Iraq expects a new style of treatment from the Security Council". During his addresses to the Council on 23 and 24 November 1992, the Iraqi Deputy Prime Minister reiterated Iraq's "call for a halt to the activities of United States U-2 spy planes, which ... use the cover of the United Nations" and said that "the use of foreign helicopters by the inspection teams is no longer justified." This continues a consistent pattern of rejection by Iraq of the Commission's rights and privileges in this regard.

These obstacles taken together impede the Commission's operations and hinder the fulfilment of its mandate.

Thus the situation as regards the level of Iraq's implementation remains essentially unchanged from the time of the last report to the Security Council: the realization of the intention to proceed from inspection and survey through destruction to ongoing monitoring and verification has been in

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large part delayed further by the actions of the Iraqi Government. It is apparently unwilling to acknowledge that those actions constitute the main impediment to the fulfilment of the Commission's mandate and to the Commission's so reporting to the Council. It remains the case, as noted in the second report of the Commission on the implementation of the plans for ongoing monitoring and verification (S/24661), that while preparations for the implementation of the plans are being made, the conditions for their full-scale implementation have not yet been met.

B. Operational developments

12. In the chemical weapons area, the shift in emphasis and resources towards destruction activities has continued. While inspections of declared and undeclared sites proceed, teams have overseen the destruction of most of the chemical bomb-making equipment identified by the Commission; the Chemical Destruction Group has been established in Baghdad; and at the Muthanna State Establishment, the destruction in situ of 122 mm rockets too unsafe to drain has continued, the quantities and locations of munitions and agents awaiting destruction or removal have been surveyed and the two chemical destruction facilities at Muthanna have been completed. The full-scale destruction of nerve agent in the hydrolysis plant has started. Final runs for the destruction of the mustard agent in the incinerator have been successfully concluded and full-scale destruction will commence at the beginning of 1993. A policy for the destruction of the precursor chemicals, which have deteriorated and now pose a safety hazard, will be presented to Iraq shortly.

13. While doubts continue to be expressed about the fullness of Iraq's declarations concerning its biological weapons programme, there has been little development in this area. Inspections have continued through joint chemical and biological teams.

14. All ballistic missiles and items related to their production and development, so far identified as requiring destruction (known as list A), have been destroyed. Certain items (known as list B) have been sealed or tagged, pending either a decision to destroy them or the establishment of full-scale ongoing monitoring and verification activities so that they may be monitored under that regime to ensure that they are only used for permitted purposes. Until the appropriate decisions are taken by the Special Commission, the items concerned cannot be used by Iraq or moved from their locations.

15. During the period under review, considerable progress has been made in obtaining information from Iraq about its operational use of missiles since 1980. Nevertheless, crucial data are still missing, in particular sources of foreign procurement. Until this is obtained, a material balance for missile systems cannot be established.

16. Aerial surveillance activities have intensified. The regular flights of the high-altitude surveillance aircraft (now running at about three per week)

have been supplemented with aerial inspections conducted from the Special Commission's helicopters based at Rasheed Airbase. These helicopter inspections commenced on 21 June 1992 and have been used to supplement the high-altitude photography in the planning of inspections, monitoring of sites, preparation of inspection teams and identification of potential inspection targets. In addition, they give the Commission a rapid response capability to transport an inspection team to a site in response to time-sensitive data. A full account of the helicopter surveillance programme is found in appendix V to the present report.

C. Iraq's declarations

17. As noted in paragraph 11 (b) above, Iraq delivered what it terms its "full, final and comprehensive reports" on its weapons programmes and its declarations under the plans for "future compliance monitoring".

18. Both sets of declarations are flawed and incomplete. No information is given on suppliers. Iraq denies that it ever used chemical weapons, despite internationally verified evidence to the contrary. Declarations about imports and production are not backed with adequate supporting documentary evidence and are, in any case, incomplete. There is insufficient and probably misleading information about the evolution of the various programmes and about the links between them. In sum, "full, final and comprehensive report" is a misnomer and these declarations cannot be taken as an adequate base upon which to determine a material balance. However, the Special Commission has accepted that they provide the possibility for dialogue with the Iraqi authorities to arrive at such a base. The Commission looks to the Iraqi authorities to be forthcoming in filling in the gaps and resolving the inconsistencies in these reports.

19. A similar situation exists with the initial declarations due under the plans for ongoing monitoring and verification. While Iraq has deposited substantial reports, the reports contain little new information, and little about facilities with dual capability which would have to be covered by the ongoing monitoring and verification regime. Again, the Special Commission has accepted these reports as a starting point for further discussion. But of themselves, the reports are inadequate for the purposes of initiating full-scale ongoing monitoring and verification.

IV. ISSUES AND PRIORITIES FOR THE FUTURE

20. The Special Commission continues to carry out its mandate to the best of its ability. That mandate derives essentially from section C of resolution 687 (1991) as elaborated upon in resolutions 707 (1991) and 715 (1991) and the plans approved thereunder. Further responsibilities of the Commission are reflected in certain paragraphs of resolution 687 (1991) other than those of section C. An important example is to be found in paragraph 22 in section F of the resolution which provides that the embargo against imports of

commodities and products originating in Iraq and the prohibitions against financial transactions related thereto will have no further force or effect when certain conditions are met, in particular when the Council is in agreement that Iraq has completed all actions contemplated in section C of resolution 687 (1991). Obviously, assessments by the Commission have a primary role to play in assisting the Council in this respect.

21. Further inspection activities are planned in each of the weapons categories. Destruction activities now focus on chemical weapons at Muthanna. Preparations for the implementation of the plans for ongoing monitoring and verification are under way and initial discussions between the Commission, IAEA and certain Governments have taken place on the potential form of an import control regime to apply after the lifting of sanctions. The intention is to discuss the modalities of the regime in greater depth in the near future with IAEA and the Sanctions Committee, as required by paragraph 7 of resolution 715 (1991).

22. From the above sections of the present report, it can be seen that, despite progress in many areas, no major breakthrough has been achieved which could make it possible to change the conclusion of the previous report to the Security Council. The most important developments have taken place in the areas of destruction of proscribed items and information on missile programmes and use. Nevertheless, much remains to be done. The main areas which require action before the Special Commission will be in a position to report to the Security Council that Iraq is in substantial compliance with its obligations are as follows:

(a) Acceptance and implementation by Iraq of all the Commission's privileges and immunities, including ensuring the safety and security of UNSCOM personnel and property, the operation of and landing rights for UNSCOM aircraft and non-obstruction of the Commission's logistics and aerial surveillance flights;

(b) Unconditional acknowledgement by Iraq of its obligations under Security Council resolutions 707 (1991) and 715 (1991);

(c) Provision by Iraq of the documentation necessary to substantiate the data contained in its declarations and to provide the Commission with a full picture of its foreign procurement networks and suppliers;

(d) Supplementation and revision of Iraq's declarations to the point where, in the view of the Commission, they constitute the full, final and complete disclosures required under resolution 707 (1991) and the initial declarations required under the plans for ongoing monitoring and verification adopted under resolution 715 (1991);

(e) The initiation and smooth functioning of the plans for ongoing monitoring and verification to ensure that Iraq does not reacquire the weapons proscribed to it.

23. The Executive Chairman, during a meeting with the Deputy Prime Minister of Iraq in New York on 25 November 1992, reminded the Iraqi authorities of the actions they must undertake, as indicated in the previous paragraph, if the Commission is to be in a position, after these actions have been carried out, to report to the Council that Iraq has, in the view of the Commission, met the conditions laid down in paragraph 22 of Security Council resolution 687 (1991). Should there be any indication that Iraq is prepared to meet these conditions, the Executive Chairman would consider whether it would be useful for him to visit Baghdad in the early part of 1993. So far no such indications have been forthcoming and, as noted above, at the present time there is little cause for optimism.

Appendix I

Organizational and administrative issues

1. The Special Commission has currently a total of 131 positions distributed amongst its three Offices. The IAEA Action Team comprises seven persons. Forty-eight positions are supported by UNSCOM, including 6 of the IAEA positions. The balance of the staff are on loan from their Governments for assignments ranging from 3 to 12 months. Personnel have been provided for the Commission's activities from Argentina, Australia, Austria, Belgium, Canada, Czechoslovakia, Finland, France, Germany, Greece, Hungary, India, Indonesia, Italy, Japan, the Netherlands, Norway, New Zealand, the Republic of Korea, Romania, the Russian Federation, Sweden, Switzerland, Thailand, the United Kingdom of Great Britain and Northern Ireland and the United States of America.

2. The distribution of the staff of the Commission in each Office and of the IAEA Action Team is as follows:

(a) Headquarters of the Commission in New York. The headquarters of the Commission in New York has 31 staff assigned to it: 17 positions (6 in the Professional and 11 in the support staff category) are currently charged to the operating budget of UNSCOM; and 14 positions are filled by staff assigned to the Commission by various Member States. The breakdown of functions is as follows:

<u>Unit</u>	<u>Position</u>
Office of the Chairman	1 Executive Chairman 1 Deputy Chairman 1 Senior Counsellor (Legal) 1 Special Adviser and Spokesman 2 support staff
Administrative Office	2 Professionals 6 support staff
Division of Operations	7 Advisers in the chemical, biological, ballistic and nuclear fields 1 support staff
Information Assessment Unit	5 Advisers in the chemical, biological, ballistic and nuclear fields 2 Advisers in aerial and photographic support 2 support staff

(b) Office of the Commission in Bahrain. The Bahrain Field Office has 25 staff assigned to it on a regular basis to provide financial, administrative, logistic and training support to the inspection activities of the Special Commission and IAEA pursuant to the relevant Security Council resolutions. Ten positions (three Professionals and seven local support staff) are charged to the operating budget of the Commission. Functions are broken down as follows:

Administration and logistic support	3 Professionals 7 local staff
Aerial and photographic support	2 Advisers
Air transport	13 Transall C-160 crew members

(c) Office of the Commission in Baghdad. Seventy-four persons are currently assigned on a long-term basis to the Commission's Baghdad Office to provide logistic, communication and medical support to the inspection teams of UNSCOM and IAEA and in support of the chemical destruction programme. This number is expected to increase to around 90 persons as soon as the chemical destruction activities in Muthanna are being carried out on a full-scale basis. Fifteen positions (11 Professionals and 4 local support staff) are under the UNSCOM operating budget. The other 59 staff are provided by their Governments. The breakdown of functions is as follows:

Administration and logistic support	10 Professionals 4 local staff
Aerial and photographic support	2 Advisers
Medical support	5 medical staff
Chemical destruction	23 Advisers (including two medical staff dedicated to the chemical destruction programme)
Air transport	30 helicopter crew members

(d) International Atomic Energy Agency. The IAEA Action Team has a total of seven staff. Six positions (five Professionals and one support staff) are charged to the operating budget of the Commission, as follows:

Operational and technical support	5 Professionals
Administrative support	1 Professional 1 support staff

Financial situation of the Special Commission

3. Since the inception of its operations in April 1991, a total of US\$ 26.4 million has been allotted by the United Nations to cover the cost of the operations of the Special Commission and IAEA in support of the relevant Security Council resolutions. Funds were provided through a number of cash contributions and from the operating budget of the United Nations and were appropriated as follows:

<u>Object of expenditure</u>	<u>Millions of United States dollars</u>
Staff costs	3.5
Travel-related costs	17.5
IAEA contract for removal of fresh nuclear fuel	2.0
Services: Communications, translation and maintenance of vehicles; offices in New York and Baghdad*	2.0
Supplies and equipment	<u>1.4</u>
TOTAL	<u>26.4</u>

* The Bahrain Field Office at Manama airfield has been provided by the Government of Bahrain free of charge.

4. Operating requirements for 1993 are expected to reach \$55.0 million, which includes the estimated IAEA expenditures for the removal of irradiated nuclear fuel from Iraq and for the permanent disposal thereof.

Appendix II

Security issues

1. As noted in paragraphs 8 and 11 (g) of the present report, security for UNSCOM personnel and property sharply decreased during the stand-off over access to the Ministry of Agriculture. While matters improved somewhat after the resolution of this issue, security has worsened each time there has been a period of tension between the Special Commission and the Iraqi authorities. The following summarizes the types of incidents which have occurred, rather than cataloguing each incident.

Demonstrations

2. During the stand-off at the Ministry of Agriculture, there were daily demonstrations of increasing size and hostility. While the Iraqi officials sought to pass these off as spontaneous outbursts of public sentiment, demonstrators arrived in government buses, sometimes from government offices, and, on occasion, threw government-supplied fruit and vegetables. During this period, the hostility of the demonstrations grew, with flags being burned, items being thrown at inspectors, inspectors being exposed to screamed abuse and demonstrators being allowed within feet of the inspectors and their vehicles. There was one incident of attempted self-immolation.

3. Demonstrations against the United Nations in general and UNSCOM in particular have continued sporadically since. The demonstrations were sufficiently centrally coordinated for the Ministry of Information to be able to inform the press corps in advance of the timing and place of each one.

4. A different kind of demonstration involved the placement of propaganda materials in the rooms of UNSCOM inspectors. Clearly, only hotel staff or government security personnel would have access to the room numbers of the inspectors.

Harassment

5. Harassment of UNSCOM staff has taken many forms. Obscene, nuisance, intimidating and threatening phone calls (including death, bomb and firebomb threats) have been received. On occasion, these calls have been made to each and every member of an inspection team in alphabetical order. Again, only hotel staff or security personnel would have access to the information for the conduct of such an operation.

6. Another form of harassment concerned wrongful entry into inspectors' rooms. Sometimes the contents of drawers were emptied onto the floor; at other times items, such as cameras or money, were stolen. In public, UNSCOM staff have been jostled, threatened with physical abuse, refused service in restaurants and shops, and have had meals and drinks overturned on them while in restaurants.

7. UNSCOM offices in the Sheraton Hotel have also been entered without permission and property stolen, including a computer.

Physical attacks

8. UNSCOM property, particularly its vehicles, has been subject to repeated damage: cars have been sprayed with paint; aerials have been broken; tyres have been stolen, let down, slashed or had their valves removed; and lights, windows and windscreens have been smashed (both overnight and while people were driving the vehicle).

9. Inspectors have had a variety of items thrown at them: fruit, vegetables, eggs, rocks, bottles, light bulbs, rubbish, ink, paint and diesel fuel. They have been physically attacked with punches, shoes and, at the Ministry of Agriculture, with a skewer in an attempted stabbing of one of the inspectors maintaining watch over the exits. On several occasions, persons in cars or on motorcycles attempted to run over UNSCOM staff crossing the road between the Palestine and Sheraton hotels.

Conclusion

10. Iraq is a country with a formidable security organization. During the Ministry of Agriculture stand-off, Iraqi officials and news agencies made statements that could only be interpreted as inflammatory. Little was done by Iraqi security personnel either to prevent such incidents or to investigate them after the event and to apprehend the perpetrators. Requests for improved security were sometimes heeded, but were generally met by statements that Iraq had ensured and would ensure at all times the safety of UNSCOM staff. This response was frequently used even when an incident had just occurred.

11. Given all the above, it is difficult not to believe that the decrease in security is the result of a centrally coordinated government campaign to intimidate and humiliate UNSCOM staff. While some incidents may be spontaneous, the atmosphere in which such acts might be considered by Iraqi citizens has been fostered by Iraqi officials, presumably with the backing of the Government, and those officials have done little to rectify the situation.

Appendix III

Inspection activities

Chemical activities

1. UNSCOM 39 conducted inspection activities in Iraq from 26 June to 10 July 1992 at declared and undeclared sites, essentially in search of documentation concerning Iraq's proscribed weapons activities. Nothing of relevance to Security Council resolution 687 (1991) was found at those sites. The team also surveyed and recorded reconstruction activity at the Fallujah sites, where chemical weapon precursors were formerly produced. In addition, it supervised the destruction of the majority of the chemical bomb-making equipment identified by the Special Commission to date. The sites visited included some biological weapons sites and, at short notice, some ballistic missile sites. The inspection ended with the stand-off at the Ministry of Agriculture, where the Iraqi authorities refused the team access to the building.
2. UNSCOM 44 conducted its activities in Iraq from 21 to 29 September 1992. Its aim was to verify the location and quantity of chemical munitions and agents awaiting destruction and hence to assess whether Iraq had implemented in full the Commission's instructions to move all identified agents and munitions to the central destruction facility at the Muthanna State Establishment. With the exception of the mortar rounds at Fallujah and whatever may remain in the damaged and unsafe bunkers at Muhammadiyat, this was found to be the case. A full survey of the agents and munitions at Muthanna is under way and a comprehensive inventory, which will form the baseline for destruction activities, is being drawn up.
3. UNSCOM 47, comprising two sub-teams, one designated CBW3 and the other IAEA 16, has just returned to Bahrain from Baghdad. While all proscribed weapons categories were covered, the main thrust was chemical and bacteriological weapons. The results of the inspection remain to be assessed fully once the inspection report is received.

Biological activities

4. As noted above, UNSCOM 39 conducted inspection of some declared and undeclared biological weapons sites. No new information of note was discovered. Developments at sites known to have been related to Iraq's biological research continue to be monitored through aerial surveillance by both high-altitude aircraft and helicopters.
5. UNSCOM 47, as noted above, undertook some biological weapons inspection activities. Additionally, there were some seminar-type meetings with the Iraqi side. The aim of these had been to resolve differences and to fill gaps in the knowledge of the Special Commission. Very little additional information was obtained, given the attitude of Iraq referred to in paragraph 11 (b) of the present report.

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Ballistic missiles

6. Also as noted above, UNSCOM 39 conducted inspection of some declared and undeclared possible ballistic missile-related sites. Prime amongst these was the Ministry of Agriculture. As stated in the main body of the text of the present report, access was denied to UNSCOM 39. The team eventually was withdrawn, due to other engagements elsewhere. Its place outside the Ministry was taken by another team, UNSCOM 40, on 11 July 1992. The task was to maintain a watch outside the building until such time as access was allowed. In the event, the team was forced to withdraw from the vicinity of the building on 22 July 1992, following an attack on one of the inspectors, which the Iraqi security officials did nothing to prevent. The Chief Inspector rightly decided not to endanger the lives of his inspectors. Following discussions on modalities in New York between the Executive Chairman of the Special Commission and the Permanent Representative of Iraq to the United Nations, access was agreed, and the UNSCOM team conducted a full inspection. No proscribed items were found, although there were indications that such items might have been removed.

7. UNSCOM 42 conducted inspection activities in Iraq from 7 to 18 August 1992. Its main purpose was to investigate Iraq's ability to acquire or produce indigenously proscribed ballistic missiles, especially missile guidance-and-control systems. Inspection techniques included document and computer searches and joint helicopter/ground operations. Seminar-type meetings were held in order to resolve questions arising from the inspection activities. Virtually all the senior officials known to have been involved in the ballistic missile programmes attended the seminars.

8. UNSCOM 42 discovered no weapons or components prohibited under resolution 687 (1991). Nor was there evidence that Iraq could produce indigenously complete guidance-and-control systems, including gyroscopes, for ballistic missiles, although there had been considerable effort on the part of Iraq in the research, development and prototype manufacture of such systems which apparently never reached fruition. The team obtained important further information relating to:

(a) The scope and extent of Iraq's programmes to acquire or produce prohibited ballistic missiles and components, including information concerning previously undisclosed projects for computer support and missile fuel production;

(b) The interrelationship between the various projects in the ballistic missiles programme and the involvement of different Iraqi organizations in the programme;

(c) Foreign involvement in certain aspects of the programme.

Amongst the sites visited was the newly established Iraqi research-and-development facility, at which all research and development into non-prohibited ballistic missiles (i.e., those with a range of less than

150 km) will be undertaken in the future. The inspection of this site provided much information that will be of use in designing the ongoing monitoring and verification regime.

9. UNSCOM 45 conducted inspection activities from 16 to 30 October 1992. Its objectives were twofold: to determine whether Iraq retained an inventory of or a capability to produce fuels for ballistic missiles, and to obtain information on the operational use of these missiles. Iraq adopted a more open approach during UNSCOM 45 to the provision of data on the operational use of its ballistic missiles since 1980, and the information provided was useful. The team obtained information on Iraq's past plans to acquire fuel and oxidizer for prohibited missiles. The team did not find any evidence that Iraq had the capability indigenously to produce such fuels.

Appendix IV

Destruction of Iraq's chemical agents and munitions

Background

1. As a result of its chemical inspections programme, UNSCOM now has considerable information on Iraq's chemical agents and munitions. The agents which Iraq had available were mustard agent, the nerve agents GB and GF (and also about 70 tonnes of "spoilt" GA) and small research quantities of three other nerve agents. The total quantities involved are approximately 250-300 tonnes.
2. The munitions identified include various kinds of aerial bombs, CS-filled mortar bombs, artillery shells and rockets, together with a small number of other munitions such as rocket-propelled grenades; 30 SCUD (Al Hussein) missile chemical warheads were also discovered and 45 were declared by Iraq to have been destroyed unilaterally. In total the number of unfilled munitions so far discovered is on the order of 90,000, the agent-filled munitions numbering about 50,000. These are approximate figures and may be subject to some revisions in the future.
3. Of the filled munitions, the mortar bombs were filled with CS, the 155 mm shells are filled with mustard agent (and generally are intact and not leaking) and the 122 mm rockets are filled with nerve agents, either GB or a GB/GF mix. The aerial bombs are filled with either mustard agent or nerve agents. Some of the SCUD chemical warheads are filled with GB, the others being designed to use the binary process. These were filled with a mixture of two alcohols (isopropanol and cyclohexanol) to which the organophosphorus compound DF was to be added immediately before use, a mixture of the nerve agents GB and GF being formed during the flight time of the warhead.

Destruction of chemical weapons agents and munitions

4. The primary site for all chemical destruction activities is Muthanna State Establishment, the Iraqi main chemical warfare research-and-development, production, filling and storage facility. Although limited explosive demolition/incineration has been carried out on 122 mm rockets at one site (Khamisiyah-UNSCOM 29), the munitions discovered at all other sites have now been safely transported to Muthanna and are stored, in the open, to await destruction.
5. All destruction activities are being carried out by Iraqi personnel under the close and direct supervision of an UNSCOM team (UNSCOM 38, Chemical Destruction Group (CDG)). The formation of the Chemical Destruction Group in Iraq commenced with the arrival of an advance party of three inspectors on 18 June 1992. The numbers increased in two increments to the current strength of 23 persons, including medical support, from 12 countries.

6. CDG will maintain a continuous presence at Muthanna during all destruction activities.

7. The destruction of unfilled munitions, and emptied munitions after thorough and complete decontamination, is done by simple physical means, such as crushing or cutting with an oxy-acetylene torch. These activities are coordinated, supervised and recorded by the UNSCOM team.

8. Filled munitions are either drained (aerial bombs) or destroyed by a combination of simultaneous explosive opening and high-temperature incineration if they are assessed as too dangerous to drill and drain. This is the case with most of the 122 mm rockets.

9. Bulk mustard agent will be destroyed by incineration in an incinerator specifically built by Iraq to UNSCOM requirements. The plant was commissioned under UNSCOM supervision in November 1992. Other materials will also be destroyed in the incinerator, such as some precursor chemicals, ballistic missile-related chemicals which have been moved to Muthanna and various other chemicals found at Muthanna.

10. The nerve agents GB and GB/GF mixtures are currently being destroyed by controlled hydrolysis in a plant which was constructed by Iraq to UNSCOM requirements and commissioned by UNSCOM personnel from the Destruction Advisory Panel in September 1992. The aqueous wastes from the plant will be allowed partially to evaporate and cement will then be added. This will produce concrete blocks, which will be buried on site. The purpose of this is to prevent the leaching of the waste hydrolysis salts into, and hence the degradation of, the surrounding soils. All these operations will be carried out under the supervision of CDG at Muthanna.

11. The number and quantity of munitions and agent destroyed by the Special Commission as of 14 December 1992 were on the order of:

- 12,000 empty munitions;
- 5,000 sarin-filled 122 mm rockets, including motors and warheads;
- 350 R.400 aerial bombs;
- 44,500 litres of GB/GF;
- 120 litres of GB;
- 5,000 litres of D4;
- 1,100 litres of dichlorethane;
- 16.5 tons of thiodiglycol;
- 5.5 tons of mustard agent.

12. A strict health-and-safety regime has been established to minimize the danger of immediate and long-term effects of exposure to chemical warfare agents, their precursors and other hazardous or toxic materials. Remote agent detector arrays are established at the hydrolysis plant and at the rocket destruction site and have not, as yet, recorded any downwind hazard.

Future plans

13. At present, the time-limiting factor is the provision of a satisfactory solution to the destruction of the 155 mm mustard-agent-filled artillery shells. However, the nerve agent GB/GF and the 122 mm rocket warheads should be destroyed by the end of January 1993 and destruction of all other chemical agents and munitions completed in 1993.

Appendix V

Aerial inspections

1. Following a discussion within the Office of the Executive Chairman on means to improve the operational effectiveness of UNSCOM, it was decided to inaugurate helicopter aerial surveillance flights. The benefits were foreseen to be: increased and better quality aerial photography to supplement that available from the U-2 which, as of 14 December 1992, has carried out 105 surveillance missions over Iraq, and to help in the planning and preparation of inspections; and improved operational efficiency. The first flight took place on 21 June 1992.
2. This operation is supported by an aerial inspection team of three persons in Baghdad and a fully equipped photographic processing laboratory with a full-time technician, located at the UNSCOM Field Office at Muharraq, Bahrain. All missions are tasked from the Office of the Executive Chairman in New York by the Information Assessment Unit. The Unit has recruited, specifically for this task and the task of interpreting and storing the results, two Professional photographic interpreters. Any problems that arise are referred to the Executive Chairman for decision. A recent case of serious non-compliance is described in paragraph 11 (f) of the present report.
3. As of 14 December 1992, 142 sites had been surveyed by the Aerial Inspection Team. These helicopter surveillance flights do not and cannot replace the high-altitude surveillance operation. The U-2 offers advantages of longer flight time, wider surveillance coverage and maintaining uncertainty of the precise sites which are being photographed. The helicopter offers better oblique photography, higher resolution, 360-degree video coverage, faster response time and hence a greater element of surprise and, thus, deterrence. The results of both operations combine to provide much information that is useful in both the planning and the preparation of inspections and in the monitoring of various sites for suspicious activities. The helicopter photography is particularly of use in briefing inspectors prior to the conduct of a ground inspection.
4. The Aerial Inspection Team has thus proved to be of considerable benefit to the Special Commission. It is anticipated that it will be of equal value to the implementation of the plans for ongoing monitoring and verification.

Appendix VI

Special Commission Inspection Schedule

Nuclear

15 May-21 May 1991	IAEA1/UNSCOM1
22 June-3 July 1991	IAEA2/UNSCOM4
7 July-18 July 1991	IAEA3/UNSCOM5
27 July-10 August 1991	IAEA4/UNSCOM6
14 September-20 September 1991	IAEA5/UNSCOM14
21 September-30 September 1991	IAEA6/UNSCOM16
11 October-22 October 1991	IAEA7/UNSCOM19
11 November-18 November 1991	IAEA8/UNSCOM22
11 January-14 January 1992	IAEA9/UNSCOM25
5 February-13 February 1992	IAEA10/UNSCOM27+30
7 April-15 April 1992	IAEA11/UNSCOM33
26 May-4 June 1992	IAEA12/UNSCOM37
14 July-21 July 1992	IAEA13/UNSCOM41
31 August-7 September 1992	IAEA14/UNSCOM43
8 November-19 November 1992	IAEA15/UNSCOM46
6 December-14 December 1992	IAEA16/UNSCOM47

Chemical

9 June-15 June 1991	CW1/UNSCOM2
15 August-22 August 1991	CW2/UNSCOM9
31 August-8 September 1991	CW3/UNSCOM11
31 August-5 September 1991	CW4/UNSCOM12
6 October-9 November 1991	CW5/UNSCOM17
22 October-2 November 1991	CW6/UNSCOM20
18 November-1 December 1991	CBW1/UNSCOM21
27 January-5 February 1992	CW7/UNSCOM26
15 April-29 April 1992	CW8/UNSCOM35
21 September-29 September 1992	CW9/UNSCOM44
26 June-10 July 1992	CBW2/UNSCOM39
6 December-14 December 1992	CBW3/UNSCOM47

21 February-24 March 1992	CD1/UNSCOM29
5 April-13 April 1992	CD2/UNSCOM32
18 June 1992 ongoing	CDG/UNSCOM38

Biological

2 August-8 August 1991	BW1/UNSCOM7
20 September-3 October 1991	BW2/UNSCOM15

Ballistic missiles

30 June-7 July 1991	BM1/UNSCOM3
18 July-20 July 1991	BM2/UNSCOM10
8 August-15 August 1991	BM3/UNSCOM8
6 September-13 September 1991	BM4/UNSCOM13
1 October-9 October 1991	BM5/UNSCOM18
1 December-9 December 1991	BM6/UNSCOM23
9 December-17 December 1991	BM7/UNSCOM24
21 February-29 February 1992	BM8/UNSCOM28
21 March-29 March 1992	BM9/UNSCOM31
13 April-21 April 1992	BM10/UNSCOM34
14 May-22 May 1992	BM11/UNSCOM36
11 July-29 July 1992	BM12/UNSCOM40A+B
7 August-18 August 1992	BM13/UNSCOM42
16 October-30 October 1992	BM14/UNSCOM45

Special missions

30 June-3 July 1991
11 August-14 August 1991
4 October-6 October 1991
11 November-15 November 1991
27 January-30 January 1992
21 February-24 February 1992
17 July-19 July 1992
28 July-29 July 1992
6 September-12 September 1992
4 November-9 November 1992



Security Council

Distr.
GENERAL

S/24985
17 December 1992

ORIGINAL: ENGLISH

NOTE BY THE PRESIDENT OF THE SECURITY COUNCIL

The President of the Security Council has the honour to transmit to the members of the Security Council the attached communication which he has received from the Deputy Executive Chairman of the Special Commission established by the Secretary-General pursuant to paragraph 9 (b) (i) of Security Council resolution 687 (1991).

S/24985
English
Page 2

Annex

Letter dated 16 December 1992 from the Deputy Executive Chairman
of the Special Commission addressed to the President of the
Security Council

I have the honour to refer to the letter dated 14 December 1992 from the Permanent Representative of Iraq to the United Nations addressed to the President of the Security Council and circulated to the Council in document S/24964. This letter addresses itself to a communication of 10 December 1992 which I submitted to you, at your request, and which was communicated informally to the members of the Council. In view of the circulation of the Iraqi response in document form, I would be most grateful if you could arrange for my letter of 10 December 1992 to be circulated to the Council in the same manner.

(Signed) Pierce S. CORDEN
Deputy Executive Chairman
Office of the Special Commission

/...

Enclosure 1

Letter dated 10 December 1992 from the Deputy Executive Chairman
of the Special Commission addressed to the President of the
Security Council

I have the honour to refer to our conversation of yesterday afternoon regarding certain adverse developments in Baghdad affecting the work of the Special Commission (UNSCOM) and the International Atomic Energy Agency (IAEA) in implementation of their mandates under section C of Security Council resolution 687 (1991) and other relevant Council resolutions and decisions. You requested during our conversation that I provide you with pertinent details in writing.

Aerial surveillance

On 2 December 1992, the Special Commission Field Office in Baghdad notified the appropriate Iraqi authorities of the zone in which the Commission intended to conduct an aerial surveillance mission the following day. These authorities indicated they could not accept the flight and would have to seek further instructions as, in their view, the area designated for the flight fell in part within the city limits of Baghdad. Upon receipt of this information in New York, the Commission prepared and handed over to the Deputy Permanent Representative of Iraq an *aide-mémoire*, calling upon Iraq to review its position, in the light of the Commission's rights to conduct surveillance flights anywhere in Iraq, and to communicate its acceptance of the flight to the Commission's Field Office as soon as possible. The Special Commission in New York was informed on 9 December that a negative decision has been taken and that such flights will not be permitted "one metre inside Baghdad". The Executive Chairman of the Special Commission is sending an official protest to the Minister for Foreign Affairs of Iraq regarding this matter.

Joint Special Commission/IAEA inspection on 6 December 1992

On 6 December 1992, a joint inspection team of the Special Commission and the IAEA, while seeking admission to a designated site, observed a number of individuals hurriedly leaving the site with documents. In response to protests by the Chief Inspector, the Iraqi authorities acknowledged that documents had been removed from the site, claiming this had been done by individuals acting on their own initiative. Subsequently, certain documents were produced for the inspectors which the Iraqi side claimed to be those which had been removed. There was no way for the inspectors to verify this claim. During the same inspection, the Iraqi counterpart refused to permit the removal or copying of blueprints of pharmaceutical plants found at the site, claiming the inspectors first had to prove that they directly related to Security Council resolution 687 (1991). In this instance, to resolve the immediate conflict, the Chief Inspector inventoried and tagged the blueprints for examination by an UNSCOM expert due to arrive in the course of the inspection. The Chairman of the Special Commission and the Director-General

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of the IAEA are addressing protests to the Minister for Foreign Affairs of Iraq regarding the deprivation of the right of the Special Commission and the IAEA to secure and review documents without interference and alone to determine the relevance of documentary evidence to their mandate and when, in their opinion, to remove or copy documents.

Meeting with Lieutenant General Amer Rashid on 8 December 1992

On 8 December 1992, the Chief Inspector of the Special Commission inspection team currently in Iraq met General Amer of the Iraqi Military Industries Commission, at the Chief Inspector's request. Extracts from the Chief Inspector's account of this meeting are annexed hereto, as they would appear to reflect a serious deterioration in Iraq's willingness to fulfil its obligations and hence the ability of UNSCOM and the IAEA to carry out their mandates.

You may wish to bring the contents of this letter informally to the attention of the members of the Council.

Should further developments so warrant, they will be brought immediately to your attention. In any event, the Special Commission's six-monthly report on its activities will be submitted to the Council very shortly.

(Signed) Pierce S. CORDEN
Deputy Executive Chairman
Office of the Special Commission

Enclosure II

Extracts from a report of 9 December 1992 received from
the Chief Inspector of UNSCOM 47

General Amer ... strongly criticized the Special Commission and in particular its November report to the Security Council. Amer said that it was clear that the situation is just a political game with predetermined objectives; the game is controlled by Iraq's enemies. There was no doubt that Chairman Ekéus' speech to the Security Council was influenced by the United States, the United Kingdom and France, and that those countries are using UNSCOM inspection teams to influence the situation in Iraq.

According to Amer, no matter what Iraq provided, the Special Commission would demand more. This was very clear by Ekéus' broken promises. The General cited, for example, UNSCOM 45 claims that the ballistic missiles programme was totally finished and that the Special Commission was completely satisfied; however, no mention of this was made in Ekéus' recent report to the Security Council. He told us that he had a copy of the UNSCOM 45 report, which he called well-balanced, and that none of it was reflected in Ekéus' speech. It was clear from Ekéus' actions that nothing would ever change, therefore the Special Commission will "get nothing more, nothing. It is finished; you can bomb us or occupy us, it doesn't matter". He then stated ... that if his subordinates provided anything to us beyond technical answers he would "break their backs".

This was followed by a series of what could be perceived as veiled threats against the Special Commission and its inspection teams in which he claimed, inter alia, that the Iraqi people would like to "drink" our blood and that the people of Iraq hate the inspection teams more than they hate the United States Air Force. This theme was repeated several times.

General Amer referred to the helicopter surveillance and its use to gather intelligence information and humiliate the Iraqi people by flying over Presidential sites and the recent visit (by UNSCOM 47) to a school. As a result, he would never allow the helicopter one metre inside Baghdad territory. He claimed that the boundary had been already agreed. ...

In conclusion, he stated that Iraq and he had trusted in the Special Commission and been deceived. Therefore, the game was over. Iraq will provide information to UNSCOM. General Amer emphasized this point by telling the group that he would break the neck of any Iraqi who provided UNSCOM with the names of people involved in the weapons of mass destruction programme.



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17 December 1992

ORIGINAL: ENGLISH

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* Reissued for technical reasons.

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Forty-seventh session
Agenda item 140
COORDINATION OF THE ACTIVITIES
OF THE UNITED NATIONS AND
THE CONFERENCE ON SECURITY
AND COOPERATION IN EUROPE

SECURITY COUNCIL
Forty-seventh year

Letter dated 18 December 1992 from the Permanent
Representative of Sweden to the United Nations
addressed to the Secretary-General

I have the honour, on behalf of the Chairman-in-Office of the Council of the Conference on Security and Cooperation in Europe, Her Excellency Ms. Margaretha af Ugglas, Minister for Foreign Affairs of Sweden, to enclose the text of the Summary of Conclusions, the Decisions and annexes of the Third Meeting of the Council of CSCE, held at Stockholm on 14 and 15 December 1992 (see annex).

I should be grateful if you would arrange for it to be circulated as a document of the General Assembly, under agenda item 140, and of the Security Council.

(Signed) Peter OSVALD
Permanent Representative of
Sweden to the United Nations

ANNEX

Summary of Conclusions, the Decisions and annexes of
the Third Meeting of the Council of the Conference on
Security and Cooperation in Europe, held at
Stockholm on 14 and 15 December 1992

I. SUMMARY OF CONCLUSIONS OF THE STOCKHOLM COUNCIL MEETING

Shaping a New Europe - the Role of the CSCE

The CSCE Council held its Third Meeting in Stockholm on 14-15 December 1992.

The Ministers consulted on a broad range of issues, in particular the aggression in Bosnia-Herzegovina and Croatia, the crisis in parts of the former Yugoslavia, other regional crises and issues together with the strategy and structure of the CSCE.

In the light of serious threats to peace and security in the CSCE area the Ministers agreed to pursue a strategy of active diplomacy. They will provide the necessary resources.

The Ministers expressed their continuing commitment to use the CSCE to consolidate human rights, democracy, the rule of law and economic freedom as the foundation for peace, security and stability and to prevent, manage and solve conflicts in the CSCE area.

The Ministers condemned the extended use of force in Europe which has bred ever more violence and hatred. They strongly rejected continuing flagrant violations of human rights. They committed themselves to act to counter the growing manifestations of racism, anti-semitism and all forms of intolerance in the CSCE area.

The Ministers agreed to improve co-operation with relevant international organizations. They decided, in particular, to increase co-ordination with the United Nations.

Important aspects of the CSCE strategy include:

- Strengthening the CSCE's operational capabilities through structural reforms and the appointment of a Secretary General;
- Emphasizing the CSCE's ability to provide early warning through the appointment of a High Commissioner on National Minorities who will enjoy the full political support of all participating States;
- Active use of missions and representatives as part of preventive diplomacy to promote dialogue, stability and provide for early warning;
- Enhancing opportunities for the peaceful settlement of disputes through the approval of a comprehensive set of measures to this end. The Ministers stressed their expectations that participating States will avail themselves increasingly of these mechanisms;
- Effective use of missions and representatives in crisis areas as part of a strategy of consultation, negotiation and concerted action to limit conflicts before they become violent;
- Co-operating, as appropriate, with international organizations and with individual participating States to ensure that the broad spectrum of CSCE mechanisms and procedures, including peacekeeping, can be applied;

- Increased efforts at treating the root causes of conflicts by applying all aspects of the human dimension of the CSCE and by involving non-governmental organizations and individual citizens more directly in the work of the CSCE;
- Making all governments accountable to each other for their behaviour towards their citizens and towards neighbouring States and holding individuals personally accountable for war crimes and acts in violation of international humanitarian law;
- Greater use of the Forum for Security Co-operation as a place for negotiation and dialogue which can ensure continued progress in reducing the risks of military conflict and enhancing stability in Europe;
- An active programme to help newly-admitted participating States to participate fully in the structures and work of the CSCE.

II. DECISIONS

1. Regional issues

Former Yugoslavia

1. The CSCE has given early and special attention to the tragic conflict in the former Yugoslavia which has led to all-out war and immense human suffering and which poses a growing threat to peace in the region.

2. Primary responsibility for the conflict lies with the present leaders of Serbia and Montenegro and with the Serbian forces operating in Bosnia-Herzegovina. In defiance of all efforts by the entire international community, these authorities continue to pursue territorial gain through the use of force and to violate basic human standards through the odious practice of "ethnic cleansing", and other brutalities affecting many parts of the former Yugoslavia. All this must stop immediately.

3. The Ministers expressed their collective and individual determination to pursue all efforts to restore peace in former Yugoslavia. They did so on the basis of the special moral and political authority represented by the principles and commitments of the CSCE. They presented the leaders of Serbia and Montenegro with a clear choice. If there is a radical change of their policy towards their neighbours and their own people and genuine co-operation in the peace process, Serbia will be gradually readmitted to the international community; if, on the other hand, the Belgrade regime continues its present policies, the international community will take sterner action to ensure compliance with the relevant United Nations Security Council resolutions and the decisions of the International Conference on Former Yugoslavia.

4. The Ministers are using the means available to the CSCE to contribute to international efforts to end the fighting and prevent spillover of the conflict. They are working towards several immediate objectives:

- An end to systematic aggression in Bosnia-Herzegovina and Croatia, exemplified by recent stepped-up attacks against Sarajevo and other cities and villages in other parts of Bosnia-Herzegovina by Serb forces,

and the prevention of a further expansion of the conflict to other areas of the former Yugoslavia and to countries neighbouring on Serbia and Montenegro.

- Cessation of violations of human rights and international humanitarian law, specifically the policy of "ethnic cleansing" in particular in Bosnia-Herzegovina as well as in Kosovo, Sandjak and Vojvodina and the systematic rape of Muslim women, and steps to ensure prosecution of those personally accountable.
- Expansion of humanitarian assistance to ease current suffering and measures to assure its rapid delivery to those most in need.
- An end to the systematic destruction of mosques, Catholic churches, synagogues and other religious monuments as well as other sites of cultural heritage in areas under Serbian control.
- A negotiated political settlement to the current conflict that preserves the integrity of Bosnia-Herzegovina, denies any gain through the seizure of territory by force and provides for the safe return of refugees and displaced persons to their homes.
- Effective fulfilment of the UNPROFOR mandate in the UNPA zones in Croatia and full implementation of the Vance Plan.

5. The Ministers requested the Chairman-in-Office, assisted by the Troika, to report to the Steering Committee of the International Conference on Former Yugoslavia on 16 December 1992, and to work to ensure closer co-ordination between the CSCE and the ICFY.

6. They requested her, assisted by the Troika, to travel to Belgrade prior to the elections on 20 December 1992 to underline to Serbian authorities the stark fate and the increased penalties with which they will be faced. She is requested also to visit as soon as possible CSCE missions in former Yugoslavia to highlight their importance and enhanced role.

7. The war in Bosnia-Herzegovina must stop. The sovereignty and territorial integrity of that country must be respected. The war must not be allowed to spread into other parts of the former Yugoslavia. This would have even more serious implications for the region.

8. The Ministers stressed the importance of the work of the CSCE missions of long duration in Kosovo, Sandjak and Vojvodina. They expressed their satisfaction with the work of the CSCE Spillover Mission to the former Yugoslav Republic of Macedonia, established in the Republic with the full co-operation of its governmental authorities, further to the initiative of the CSCE. They are determined to give all necessary support to these efforts. The CSCE presence there should be maintained and expanded; the missions should increasingly focus on helping to resolve specific local differences. In particular, the Ministers agreed to increase substantially the size of the missions of long duration, with particular emphasis on Kosovo, and to take necessary steps accordingly. They undertook to contribute urgently to these missions.

9. The Ministers, referring to the calls from some States for the United Nations to consider lifting the arms embargo against the Government of Bosnia-Herzegovina, recalled United Nations Security Council resolution 713 and recommended that this issue should continue to be considered as a matter of importance in the United Nations Security Council.

10. The Ministers welcomed the decision of the United Nations Security Council to place peacekeeping forces on the borders of the former Yugoslav Republic of Macedonia with Albania and Serbia and Montenegro. The present active role of the CSCE in seeking to prevent the spillover of conflict and tension will be substantially reinforced.

11. They supported the efforts of those political forces in Serbia that are striving to bring about full co-operation with the peace process. The Office for Democratic Institutions and Human Rights will assist participating States in the monitoring of the elections in Yugoslavia (Serbia and Montenegro). The participating States will draw the appropriate conclusions if the present authorities do not follow fair and just procedures.

12. All CSCE participating States committed themselves to scrupulous implementation of all United Nations Security Council resolutions on sanctions against Serbia-Montenegro. The Ministers recognized that countries of the region should not bear alone the unintended negative consequences of United Nations sanctions against Serbia-Montenegro. They urged the competent international organizations to provide appropriate financial and technical assistance to those countries in order to diminish the adverse effect. Efforts of the Government of Serbia-Montenegro to circumvent the sanctions need to be combated. They approved the deployment of Sanctions Assistance Missions to all States neighbouring Serbia and Montenegro and the expansion of their size. They welcomed the co-operation extended to the missions and called on participating States to provide technical assistance on enforcing sanctions to host countries. The mandate of the missions was extended for a further six months from 1 January 1993.

13. The Ministers reiterated their horror and dismay at the massive and systematic violations of human rights and international humanitarian law in the territory of the Republic of Bosnia-Herzegovina and other parts of the former Yugoslavia. They supported United Nations Security Council resolutions 780 (1992) and 787 (1992) which emphasize that those responsible for such crimes will be held personally accountable. They are determined to implement these resolutions and to see to it that those responsible are brought to justice and asked the Chairman-in-Office to consult on this issue with the United Nations, especially the International Law Commission, and with the Co-Chairmen of the IC FY.

14. The Ministers welcomed the offer of the rapporteurs on Croatia and Bosnia-Herzegovina under the Moscow Human Dimension Mechanism to refine their proposals on making the principle of personal accountability effective including the possibility of the establishment of an ad hoc tribunal, and to do so through continuing consultations with the Commission of Experts established pursuant to Security Council resolution 780 (1992).

15. The Ministers strongly supported the ICFY process and the efforts of the Co-Chairmen; they would like to see early results. They endorsed the constitutional arrangements for Bosnia-Herzegovina proposed by the Co-Chairmen in Geneva on 27 October 1992 as a basis for agreement. They hoped that at the meeting on 16 December 1992, participants will discuss the measures necessary to intensify pressure on the Serbian side in order to end the bloodshed. They called on all parties to negotiate constructively on a Bosnian constitution, as well as on the other problems under relevant working groups of the Geneva Conference, including the future status of Kosovo. Safeguards for the rights of national minorities within Serbia, including autonomy where appropriate, must be ensured.

16. The Ministers demanded full compliance by all parties with United Nations Security Council resolutions and with all decisions of the ICFY. Observers should be placed on the border of Bosnia-Herzegovina and Serbia and Montenegro without further delay. In view of the many violations of the no-fly-zone, they believed that the Security Council should urgently consider taking the relevant decisions in the light of paragraph 6 of resolution 786.

17. The human rights and fundamental freedoms of the inhabitants of Kosovo must be respected. The Ministers called upon all parties, notably the Serbian authorities, to show the necessary restraint. They believed that a United Nations presence in Kosovo would be a positive step.

18. The Ministers paid tribute to UNHCR, ICRC and UNPROFOR and agreed to do more to ease suffering. They endorsed efforts under United Nations Security Council resolution 787 to ensure the safe delivery of humanitarian assistance, including the use of military means. They called on all parties to allow convoys safe passage, noting that interference in humanitarian relief missions is an international crime for which the individuals responsible will be held personally accountable. They called for the urgent opening of the airports at Tuzla and Bihac in Bosnia-Herzegovina for the receipt of humanitarian aid. Given the importance of the work being undertaken by UNPROFOR II, they called on all CSCE participating States to support fully a broader financial burden-sharing.

19. More action is needed to provide safety and protection to the civilian population through the development of safe areas and the provision of refuge for particularly vulnerable categories of refugees. The Ministers were concerned by the increasing problem of refugees and displaced persons and called upon all participating States to do more to share economic and other burdens of States receiving refugees.

The Baltic States

The Ministers reviewed the implementation of paragraph 15 of the Helsinki Summit Declaration 1992.

Notwithstanding certain progress achieved, they expressed their concern that relevant agreements on the early, orderly and complete withdrawal of foreign troops from the territories of the Baltic States have yet to be concluded, and noted that the withdrawal of these troops should take place in full accordance with the basic principles of international law.

The CSCE will remain engaged therefore in the implementation of these provisions.

To that end, the Baltic States and the Russian Federation undertake regularly to submit information to relevant CSCE bodies about the implementation of paragraph 15 of the Helsinki Summit Declaration 1992, necessary for further review of this issue.

Moldova

The Ministers welcomed the easing of tension in the Left-Bank Dniester Areas of the Republic of Moldova, noting at the same time that a final political settlement of the conflict should be reached in order to establish durable peace in the region.

The Ministers noted with appreciation the activities of the Personal Representative of the Chairman-in-Office of the CSCE Council on the conflict

in the Left-Bank Dniester Areas of the Republic of Moldova. They took note also of the interest of all parties involved in a CSCE role in efforts to settle the conflict. They requested all parties to the conflict to co-operate closely with the Personal Representative of the Chairman-in-Office. They called for the soonest possible conclusion of the work of the Personal Representative. They expected the final report and recommendations to be available at the next session of the CSO with a view to further CSCE involvement.

In this context, the Ministers expressed support for efforts to remove, in a peaceful manner and through negotiations, the problems that remain from the past, such as the stationing of foreign armed forces on the territory of the Republic of Moldova. They called on the participating States concerned to conclude, without delay, an appropriate bilateral agreement on the status and the early, orderly and complete withdrawal of foreign troops.

Georgia

1. The Ministers reiterated their commitment to support the stabilization of the situation within Georgia and the development of democracy and a market economy, which would create favourable conditions for the peaceful resolution of the conflict. In this context they welcomed the progress of democracy with the election of a legitimate government and hoped that the election process would soon be completed in a satisfactory manner.

2. The Ministers were pleased to note that the cease-fire between Georgians and Ossetians in the area of conflict continued to hold. They were concerned however that no progress had been made towards a political settlement of this dispute. They welcomed the establishment of a visible CSCE presence in the area. They were pleased that first contacts had been established with representatives of both conflicting parties, the trilateral peacekeeping forces and local military commanders. They likewise called upon the parties to co-operate fully with the Personal Representative of the Chairman-in-Office in his efforts to establish the framework for a peaceful and lasting solution, as stipulated by the provisions of the Sochi Agreement of 24 June 1992.

3. The Ministers remained deeply concerned at the recent upsurge in fighting in Abkhazia and at reports of heavy loss of life and lack of discipline and moderation among the armed forces of the protagonists. They urged all parties to the dispute in Abkhazia to renew their efforts to find a peaceful settlement in conformity with CSCE principles and the Charter of the United Nations, based on the provisions of the Moscow agreement of 3 September 1992. They requested the parties to co-operate with the CSCE Mission, led by Ambassador Gyarmati, whose mandate included establishing a framework for political negotiations.

4. They requested the Chairman-in-Office and the Personal Representative of the Chairman-in-Office in Georgia to work out, in co-operation with the United Nations, practical modalities for co-ordination of efforts in order to ensure maximum efficiency through a rational division of labour. The participating States will be kept informed.

Conflict dealt with by the Conference on Nagorno-Karabakh

The Ministers asked the Chairman of the CSCE Conference on Nagorno-Karabakh, Hon. Mario Raffaelli, and the "Minsk Group" to continue their tireless efforts to advance the peace process.

The Republic of Tajikistan

The Ministers expressed their deep concern about the crisis situation in the Republic of Tajikistan.

They urged all the conflicting parties to cease fighting and to start a constructive dialogue which is the only basis for a political settlement in Tajikistan.

They encouraged participating States to contribute to humanitarian efforts in Tajikistan, especially in light of that country's refugee crisis.

The Ministers noted the peace-making efforts of Russia, Kazakhstan, Kyrgyzstan and Uzbekistan aimed at the ending of bloodshed and promotion of the negotiation process.

The Ministers considered that this issue should be studied by the CSO on a priority basis, bearing in mind the need for close co-operation with the efforts of the United Nations.

2. The CSCE as a Community of Values

The CSCE's comprehensive concept of security relates peace, security and prosperity directly to the observance of human rights and democratic freedoms. Many of the present problems are linked to the failure to observe CSCE commitments and principles.

The human dimension mechanisms of the CSCE are being used increasingly as a major foundation for the CSCE's efforts at early warning and conflict prevention. Their further elaboration and utilization will strengthen considerably the CSCE's ability to pursue the root causes of tensions and to refine its mechanisms for early warning on potentially dangerous situations.

The Ministers welcomed the strengthened role of the Office for Democratic Institutions and Human Rights and the appointment of the High Commissioner on National Minorities as especially useful steps towards integrating the human dimension more fully into the political consultations and concerted action of the participating States. They also decided to consider ways of using the 1993 Implementation Meeting on Human Dimension Issues to investigate possible new means of utilizing human rights mechanisms for these purposes. They expressed the hope that newly-admitted participating States would make particular use of the opportunities provided by these institutions.

Compliance with CSCE commitments is of fundamental importance. Monitoring of compliance provides governments of participating States with crucial information on which they can formulate policy. The Implementation Meeting on Human Dimension Issues to be held in 1993 offers an opportunity to improve the monitoring of compliance with Human Dimension commitments.

The Ministers expressed their profound concern at the recent manifestations of aggressive nationalism, xenophobia, anti-semitism, racism and other violations of human rights. Violations of international

humanitarian law and CSCE principles and commitments, such as "ethnic cleansing", or mass deportation, endangered the maintenance of peace, security and democracy and will not be tolerated. They were convinced that increased attention should be paid by the CSCE, and in particular by the Committee of Senior Officials and the High Commissioner on National Minorities, to these threats to human rights and fundamental freedoms. The CSO will report on this issue to the Council of Ministers at its next session, when the Council will consider developments.

The Ministers also stressed the important role the Human Dimension of the CSCE should play in longer-term conflict prevention. They underlined the need for positive action aimed at fostering understanding, tolerance and national and local preventive action. They emphasized the importance of direct contact between experts, governmental and non-governmental, through the series of Human Dimension seminars successfully begun by the CSCE Seminar on Tolerance and to be followed in 1993 by seminars on national minorities, migration and free media.

The increasing problem of refugees and displaced persons is an issue of major concern to all participating States, particularly in conflicts where the fulfilment of basic human needs is most at risk. The Ministers deplored the plight of civil populations most affected in such conflicts and called on all participating States to contribute to a concerted effort to share the common burden. All Governments are accountable to each other for their behaviour towards their citizens and towards their neighbours. Individuals are to be held personally accountable for war crimes and acts in violation of international humanitarian law.

The Ministers welcomed the rapid convening of the Human Dimension Seminar on Migration as an important contribution to pursuing better understanding of the underlying causes of uncontrolled migration. Another important step towards furthering implementation of existing human rights standards, including CSCE principles and commitments, will be the United Nations Conference on Human Rights, to be held in Vienna in June 1993. The Ministers expressed their support for the Conference and asked the Chairman-in-Office to represent them there.

The CSCE will continue to give political stimulus to the development of market economies by facilitating, through the March 1993 meeting of the Economic Forum, dialogue and co-operation among participating States and international organizations. The Ministers expressed the view that the Forum's initial meeting would continue the process of co-operation on these issues within the CSCE.

3. High Commissioner on National Minorities

The Council appointed Mr. Max van der Stoep as CSCE High Commissioner on National Minorities (HCNM) to strengthen the CSCE's capacity for early warning and preventive diplomacy. The High Commissioner will act within the mandate laid down in the Helsinki Document. The Ministers expressed their support for the High Commissioner and their readiness to co-operate with him in the execution of his complex but crucial task of identifying and containing at the earliest possible stage tensions involving national minority issues which have the potential to develop into a conflict within the CSCE area.

The Ministers encouraged the High Commissioner to analyse carefully potential areas of tension, to visit any participating State and to undertake wide-ranging discussions at all levels with parties directly involved in the issues. In this context, the High Commissioner may discuss the questions with the parties and, where appropriate, promote dialogue, confidence and co-operation between them at all levels, to enhance political solutions in line with CSCE principles and commitments.

The Ministers undertook to provide the High Commissioner with relevant information at their disposal on national minority issues, fully respecting the independence of the High Commissioner in accordance with the mandate.

4. Peaceful Settlement of Disputes

The Ministers considered the recommendations made by the CSCE Meeting on Peaceful Settlement of Disputes held in Geneva from 12 to 23 October 1992.

The Ministers reaffirmed the vital importance of the commitment of all participating States, under Principle V of the Helsinki Final Act, to settle their disputes by peaceful means. In this connection, they recalled other CSCE documents relating to the peaceful settlement of disputes, in particular the Concluding Document of the Vienna Follow-up Meeting, the Charter of Paris for a New Europe, the Report on Peaceful Settlement of Disputes adopted at Valletta and endorsed at the Berlin Meeting of 19 and 20 June 1991, and the Helsinki Document 1992.

The Ministers noted the variety of existing dispute settlement procedures, both within and outside the CSCE. They recalled the important contribution that the potential involvement of an impartial third party can make to the peaceful settlement of disputes and the fact that the Valletta Mechanism enables a participating State, under certain conditions, to seek the mandatory involvement of such a party.

The Ministers agreed that in the present circumstances, the principle of the peaceful settlement of disputes assumes particular relevance to problems facing participating States, and that the framework of the CSCE provides a unique opportunity to give impetus to this central aspect of CSCE commitments.

In order to further and strengthen their commitment to settle disputes exclusively by peaceful means, and in accordance with paragraphs (57) to (62) of Chapter III of the Helsinki Decisions of 1992 to develop a comprehensive and coherent set of measures available within the CSCE for the peaceful settlement of disputes, the Ministers have:

- (a) Adopted measures to enhance the Valletta Provisions through modification of the procedure for selecting Dispute Settlement Mechanisms;
- (b) Adopted the text of a Convention on Conciliation and Arbitration within the CSCE providing for general conciliation and for arbitration on the basis of agreements ad hoc or, in advance, on the basis of reciprocal declarations, and declared it open for signature by interested participating States;

- (c) Adopted a conciliation procedure as an option available to participating States on the basis of agreements ad hoc or, in advance, on the basis of reciprocal declarations;
- (d) Decided that the Council or the Committee of Senior Officials of the CSCE may direct any two participating States to seek conciliation to assist them in resolving a dispute that they have not been able to settle within a reasonable period of time and adopted provisions related thereto.

The Ministers recalled that nothing stated in the foregoing will in any way affect the unity of the CSCE principles, or the right of participating States to raise within the CSCE process any issue relating to the implementation of any CSCE commitment concerning the principle of the peaceful settlement of disputes, or relating to any other CSCE commitment or provision.

Procedures for the peaceful settlement of disputes within the CSCE will be reviewed during the review conference to be held at Budapest in 1994 and periodically thereafter as appropriate.

5. The CSCE Forum for Security Co-operation and Non-Proliferation

The Ministers welcomed the constructive work begun in the CSCE Forum for Security Co-operation. They stressed the importance of the contribution to security made by dialogue and negotiations in the Forum and their expectation that further significant progress on the Programme for Immediate Action adopted by the Helsinki Summit should be achieved by the next Meeting of the Council of Ministers. They reaffirmed the importance of full implementation of existing arms control, disarmament and confidence- and security-building provisions agreed within the framework of the CSCE, by all States concerned, including those recently admitted.

Resolved to fully implement the Declaration of the CSCE Council on Non-Proliferation and Arms Transfers adopted at the Prague Council Meeting 30-31 January 1992 and fully committed to CSCE co-operation in respect of non-proliferation, the Ministers agreed as a first step that their States will become original signatories to the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on their Destruction, which will be opened for signature in Paris on 13 January 1993. They also agreed to seek its timely ratification in order for it to enter into force at the earliest date provided for by the Convention. To this end they call upon all other States to sign and ratify the Convention as soon as possible.

They expressed their satisfaction that the Ministers of participating States not yet Parties to the Convention on Bacteriological (Biological) and Toxin Weapons declared that their States intend to become Parties to that Convention as well as to the 1925 Geneva Protocol on the prohibition of the use in war of chemical and biological weapons.

They welcomed that the Ministers of those participating States that are not Parties to the Treaty on the Non-Proliferation of Nuclear Weapons pledged that their States intend to become Parties to that Treaty as non-nuclear-weapon States in the shortest time possible. Furthermore, they agreed that the Treaty should be extended indefinitely and urged all States that have not yet done so to become Parties to the Treaty.

6. Preventive diplomacy and peacekeeping

Consistent with the concept of preventive diplomacy, and while no conflict exists in Estonia, the CSCE is sending a mission to the country, to promote stability and dialogue between the Estonian- and Russian-speaking communities in Estonia.

The Ministers discussed the conflicts that have arisen within the CSCE area, including those in the former Soviet Union, and stressed that they should be resolved by peaceful means.

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They reviewed experience with the instruments for early warning, conflict prevention and crisis management, in particular in the field of preventive diplomacy. They noted that, in association with efforts to bring about political solutions, stability can be enhanced by armed contingents for peacekeeping purposes. The deployment and conduct of such operations must be in accordance with the norms of international law and CSCE principles.

The Ministers concluded that the CSCE can play an especially important role in co-operation with mutually reinforcing European and transatlantic organizations by further developing relevant CSCE instruments in the field of preventive diplomacy and peacekeeping.

They requested relevant CSCE institutions, in particular the ODIHR and the CPC, to organize seminars to help share experience and increase knowledge of issues and techniques in the fields of early warning and peacekeeping. Furthermore, they requested the CSO to examine the issues involved in enhancing the capability of all the CSCE instruments.

7. Evolution of CSCE structures and institutions

To meet new challenges, the Ministers decided to add further to the improvements in the operational capacity of the CSCE agreed in Paris and Helsinki.

In doing so, they confirmed that the CSCE should retain its flexibility and openness, avoiding the creation of a bureaucracy. Further evolution in CSCE institutions and procedures should be based on the CSCE's democratic rules. It should preserve the strength and diversity afforded by the basic political structure established by the Paris Summit, and should improve the effectiveness of the CSCE's daily work.

Ministers tasked the CSO to conduct a wide-ranging review of CSCE structures and operations with a view to establishing organizational arrangements to meet these needs.

As a first step, Ministers have decided to improve further CSCE operations and institutions by establishing the post of Secretary General of the CSCE (Annex I).

The Ministers also decided to enhance the ability of the CSO to act as their agent and, pending completion of the review mandated above, instructed representatives of the participating States to meet regularly in Vienna in periods between sessions of the CSO. Under the Chairmanship of the Chairman-in-Office, these representatives will conduct consultations on all issues pertinent to the CSCE and undertake preliminary discussion of items suggested for the agenda of the CSO by the Chairman-in-Office. They will decide on matters necessary to ensure prompt and effective implementation of the decisions of the CSO.

To increase the efficiency of the work of the CSCE, the Ministers decided to establish for the Secretariats in Prague and Vienna a single organizational structure under the direction of the Secretary General. The Ministers decided that the CSO should agree the financial and administrative implications of this decision and should adjust staffing, budgets and procedures accordingly.

In implementation of the decision taken by the Heads of Government in Helsinki that the CSO should consider the relevance of an agreement granting an internationally recognized status to the CSCE Secretariat, the Conflict Prevention Centre and the ODIHR, the Ministers instructed the CSO to establish a group of legal and other experts to report through the Committee for decision at the Rome Council Meeting.

The Ministers tasked the Conflict Prevention Centre to take rapid steps to strengthen its ability to provide operational support for CSCE preventive diplomacy missions and peacekeeping activities. The Director of the CPC should present, for approval by the CSO, a proposal setting forth the staffing and budget implications of this decision.

The Ministers emphasized the vital importance of the efficient management of CSCE resources. To this end they instructed the CSO to draw up rules and procedures. They approved the attached Terms of Reference (Annex II). The Ministers will note progress and take decisions, as necessary, at the Rome Council Meeting.

The Ministers noted that cost-efficiency may also be ensured through seeking new sources of financing CSCE activities. As one innovative possibility they requested the Director of the ODIHR to examine the establishment of a Foundation for Promoting Human Rights in the CSCE.

The Ministers noted that the commitments entered into in Helsinki to expand the role of NGOs have already shown their value. They asked the Chairman-in-Office to examine proposals put forward by NGOs on co-operation between NGOs and the CSCE, and, when appropriate, to submit them to the CSO for consideration.

8. Improved co-operation and contacts with international organizations,
in particular the United Nations

The new challenges in the CSCE area require improved co-operation and close contacts with relevant international organizations, in accordance with the Helsinki Document. The Ministers expressed their intention to strengthen co-operation in particular with the United Nations.

The CSCE has entered a new phase in its relationship with the United Nations which should be developed further. The Ministers requested the CSO to examine the practical implications of the understanding, expressed in the Helsinki Document, that the CSCE is a regional arrangement in the sense of Chapter VIII of the Charter of the United Nations. In its examination the CSO should also examine the proposal by the United Nations Secretary-General to the CSCE to seek observer status at the United Nations.

The Ministers emphasized that the Chairman-in-Office should keep close contacts with the United Nations in order to promote regular exchanges of information, co-operation and co-ordination and avoid duplication of effort.

They instructed the Chairman-in-Office of the CSO to establish without delay regular contact with the United Nations Secretary-General to ensure that both the United Nations and CSCE participating States are kept informed of relevant activity, especially in the fields of early warning, conflict prevention, management and resolution of conflicts as well as the promotion of democratic values and human rights.

The Ministers decided that a representative of the United Nations Secretary-General will be invited to the meetings of the Council and the Committee of Senior Officials of the CSCE. Furthermore, they decided that the Permanent Mission to the United Nations of the participating State holding the Office of Chairman will serve as a focal point of the CSCE at the United Nations.

9. Integration of new participating States

The Ministers decided to intensify their support in conjunction with other institutions, notably the Council of Europe, for the building of democratic institutions to meet the needs identified by newly admitted participating States. They entrusted the Chairman-in-Office, assisted by the CSCE Troika, to consult with newly admitted participating States on useful steps under the Programme of Co-ordinated Support agreed at Helsinki.

The Chairman-in-Office, accompanied by a team of CSCE experts, will conduct a programme of visits to the newly admitted participating States to discuss the CSCE in all its aspects and to explore means of promoting the full involvement of those States in the work and activities of the CSCE. Experts will continue discussions and make an inventory of possible points for further action including ways of promoting information on the CSCE. The Ministers expressed their support for the expansion of CSCE activities in and visits to these States.

10. Admission of new participating States

The Ministers agreed that the Czech Republic and the Slovak Republic would be welcomed as participating States from 1 January 1993 following receipt of letters accepting CSCE commitments and responsibilities from each of them according to the draft in Annex III.

11. Date and venue of the next Council Meeting

They agreed that the next meeting of the Council will be held in Rome in November/December 1993. They will confirm the specific days for this meeting by silence procedure following the proposal of the host country and recommendation by the CSO not later than March 1993.

ANNEX I

The Secretary General of the CSCE

1. The Ministers decide to establish the post of Secretary General of the Conference on Security and Co-operation in Europe. The Secretary General will derive his/her authority from the collective decisions of the participating States and will act under the guidance of the Chairman-in-Office.
2. The Secretary General will be appointed by the Council by consensus upon recommendation of the CSO and Chairman-in-Office for a period of three years. This period may be extended for one further term of two years.
3. The Chairman-in-Office will be assisted by an open-ended ad hoc group in preparing his/her recommendation on the appointment to the CSO and Council.
4. The open-ended ad hoc group will assist the Chairman-in-Office in preparing recommendations to the CSO and the Council on the administrative and financial implications of the appointment of a Secretary General, including accommodation, staff requirements and budget.
5. The Ministers agreed on the following mandate for the Secretary General:

MANDATE

- (i) The Secretary General will act as the representative of the Chairman-in-Office and will support him/her in all activities aimed at fulfilling the goals of the CSCE. The Secretary General's tasks will also include the management of CSCE structures and operations; working closely with the Chairman-in-Office in the preparation and guidance of CSCE meetings; and ensuring the implementation of the decisions of the CSCE.

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- (ii) The Secretary General will oversee the work of the CSCE Secretariat, the CPC Secretariat and the ODIHR. The Secretary General will answer for the effective performance of CSCE staff to the Chairman-in-Office, the Council of Ministers and the CSO.
- (iii) The Secretary General will assist the Chairman-in-Office in publicizing CSCE policy and practices internationally, including maintaining contacts with international organizations.
- (iv) As the CSCE's Chief Administrative Officer, the Secretary General will advise on the financial implications of proposals and ensure economy in the staff and support services of the institutions.
- (v) The Secretary General will prepare an annual report to the CSCE Council.
- (vi) The Secretary General will perform such other functions as are entrusted to him/her by the Council or the CSO.

ANNEX II

Management of Resources

The Ministers instructed the CSO to draw up rules and procedures covering the following areas:

- Steps to increase the cost-effectiveness of CSCE activities;
- Effective management of funds and property, including funds allocated to particular activities;
- Procedures for timely presentation of budget proposals of CSCE institutions;
- Measures for adequate scrutiny of the financial implications of proposals including procedures for the authorization of expenditure;
- Effective CSCE auditing and ways and means of minimizing arrears in the payment of assessed contributions, bearing in mind the experience of other international organizations.

ANNEX III
Draft letter

Bratislava/Prague, 1 January 1993

Your Excellency,

The Government of the Slovak/Czech Republic hereby adopts the Helsinki Final Act, the Charter of Paris for a New Europe and all other documents of the Conference on Security and Co-operation in Europe.

The Government of the Slovak/Czech Republic accepts in their entirety all commitments and responsibilities contained in these documents and declares its determination to act in accordance with their provisions. It will assume, in co-operation with the Czech/Slovak Republic as the other successor State to the Czech and Slovak Federal Republic, all CFE obligations of the Czech and Slovak Federal Republic.

The Government of the Slovak/Czech Republic invites and will fully facilitate the visit of a Rapporteur Mission to be arranged by the Chairman of the CSCE Council. This Mission will report to the CSCE participating States on the fulfilment by the Slovak/Czech Republic of CSCE commitments and provide assistance towards their fullest implementation.

The Government of the Slovak/Czech Republic expresses its readiness for signature of the Helsinki Final Act and the Charter of Paris by the Head of State or Government of the Slovak/Czech Republic at the earliest convenience.

I kindly ask Your Excellency to circulate copies of this letter to all CSCE participating States.

Please accept, Your Excellency, the assurances of my highest consideration.

Her Excellency
Margaretha af Ugglas
Chairman-in-Office of the
CSCE Council
Minister of Foreign Affairs
Kingdom of Sweden
Stockholm